

**CHAPTER 34, SUBCHAPTER B. FIRE SUPPRESSION RATINGS OVERSIGHT**

**28 TAC §§34.201 - 34.204**

**§34.201 Applicability.** This subchapter applies to an advisory organization or other filer that determines a fire rating for a community, fire district, or other jurisdiction based on a fire suppression ratings schedule.

**§34.202 Definitions.** The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Advisory organization--An advisory organization licensed under Insurance Code Chapter 1805.

(2) Fire rating--A rating, or evaluation of fire suppression and mitigation capabilities for a community based on the criteria in a fire suppression ratings schedule.

(3) Filer--An advisory organization or insurer that files fire ratings.

(4) Fire suppression ratings schedule--A schedule with criteria for determining the fire rating for a community, fire district, or other jurisdiction. A fire suppression ratings schedule is supplementary rating information, as defined by Insurance Code 2251.002.

(5) Community--A community, fire district, jurisdiction, or other definite geographic area.

(6) Survey--The results of an inspection to evaluate a community's fire suppression and mitigation capabilities.

**§34.203 Review of Community Fire Ratings.**

(a) Submission. A filer must submit a proposed fire rating for a community to the State Fire Marshal's Office. A submission must contain:

(1) a recommended fire rating based on the filer's survey;

(2) a point total or score used to determine the fire rating and to justify the recommended fire rating, consistent with the applicable fire suppression ratings schedule;

(3) a detailed statement, which includes a breakdown of how the point total or score was calculated, consistent with the applicable fire suppression ratings schedule;

1                   (4) identification of the fire suppression ratings schedule used to determine the  
2 fire rating;

3                   (5) the primary contact information, including telephone and email, for the  
4 person completing the survey; and

5                   (6) an explanation indicating why a community did not achieve a better rating.

6                   (b) Verification. After receiving a completed proposed fire rating, the State Fire  
7 Marshal's Office may review the proposed fire rating for compliance with the applicable fire  
8 suppression ratings schedule and with state and federal regulations.

9                   (c) Requests for additional information. If the state fire marshal determines that the  
10 filer's submission is incomplete or otherwise deficient, the State Fire Marshal's Office may  
11 request additional information from the filer.

12                   (d) Approval. A proposed fire rating will be approved if it is:

13                         (1) consistent with the applicable fire suppression ratings schedule;

14                         (2) consistent with state and federal regulations; and

15                         (3) not disapproved at the expiration of 30 days after the date the proposed fire  
16 rating is filed, unless the State Fire Marshal's Office approves or disapproves the fire rating  
17 during the 30-day period or an extended period granted by the filer. The time between the  
18 date the state fire marshal requests additional information from the filer and the date the state  
19 fire marshal receives the information requested is not included in the computation of the 30-day  
20 period.

21                   (e) Disapproval. If a proposed fire rating is not consistent with the applicable fire  
22 suppression ratings schedule and not compliant with state and federal regulations, the State Fire  
23 Marshal's Office will disapprove the proposed fire rating and provide a written explanation of  
24 the reasons for the disapproval.

25                   (f) Notification. The State Fire Marshal's Office will notify the filer of the final approval  
26 or disapproval of a fire rating. Notification will be in the form of a letter or electronic notification  
27 and will contain the effective date of the approval or disapproval.

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29 **§34.204 Appeal of Community Fire Rating Determination.**

30                   (a) Appeal. A filer or person who does not agree with an approval or disapproval of a  
31 proposed fire rating may petition for appeal and a hearing to review the matter.

1           **(b) Timeliness. A person must appeal an approval or disapproval not later than the 60th**  
2           **day after the date of the state fire marshal's approval or disapproval.**

3           **(c) Petition. A petition filed under this section must be in writing. The petition must**  
4           **identify fire rating and specify why the approval or disapproval was inconsistent with the**  
5           **applicable fire suppression ratings schedule and state and federal law and regulations. The**  
6           **petition must be filed with the Texas Department of Insurance, Office of the Chief Clerk.**

7           **(d) Review. A person directly or indirectly affected by the approval or disapproval of a**  
8           **fire rating is entitled to a review of the action under Chapter 2001, Government Code.**

9           **(e) Proceeding. A hearing under this section will be conducted in accordance with the**  
10          **Insurance Code, the Administrative Procedure and Texas Register Act, and Chapter 1 of this title.**